

REMARKS

Finality of Office Action

The applicant has invented a digital broadcasting storage device using a mark-up language and method that allows different kinds of information to be searched. The original application broadly claimed embodiments where the information was broadcast information. The RCE, in marked contrast, claims only those embodiments where the information is EPG (electronic programming guide) information.

Consequently, the applicant respectfully submits the Final Action was premature and the finality of the office action should be withdrawn based upon the following reasons:

MPEP 706.07(b) states that “The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the *same invention claimed* in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application.” (Emphasis added.)

However, the applicant respectfully submits that claims contained in the new application are **NOT** drawn to the same invention claimed in the earlier application. According to the claims of the new application, claim sets were amended so that “broadcasting information” was replaced with “EPG information.” “Broadcasting information” is not the same as, but is different from, “EPG information”. Especially in the present application, broadcasting information means any kind and any type of information whatsoever relevant to broadcasting. In marked contrast, EPG information is electronic program guide information – a special type of information provided to users together with programming data through the electronic medium, *e.g.* through electronic wave or cables. In other words, broadcasting information is a genus, while EPG information is a species. Clearly, a genus is **NOT** the same as a species, and claims to “broadcasting information” are not the same as claims to “EPG information.” Therefore, the finality of the Office Action should be withdrawn.

Rejection under 35 U.S.C. § 103(a)

The inventive device comprises user interface means, metadata processing means for processing and parsing received XML-formatted EPG information, a storage means, searching means and controlling means. Claims 1, 3-6 and 9-13 are pending prior to the above amendments. In addition to addressing merely formal matters, the amendments incorporate additional features from the detailed description. Furthermore, claim 3 is incorporated into claim 1 and claims 3 and 9-13 are cancelled.

Claims 1 and 4-6, all of the remaining claims, require (1) the metadata processing means allow the processed EPG information and searched information to be displayed by using an UI API (user interface Application Program Interface) and necessary data to be stored by using a database management system API and (2) the searching means search using at least one of a title, a keyword and a genre according to a user's request and provide the searched information to user through the user interface means. Support for allowing the processed EPG information and searched information to be displayed by using an user interface API and necessary data to be stored by using a database management system API is found at paragraph [0045] of the specification, while support for searching using at least one of a title, a keyword and a genre according to a user's request and provide the searched information to user through the user interface means is found in claim 3 as originally filed. Accordingly, it can be seen that no new matter has been added.

The metadata processing means of the claimed invention uses APIs to process data. The metadata processing means processes and parses received XML (Extensible Markup Language)-formatted EPG information and allows the processed EPG information and searched information by the searching means to be displayed by using UI API. It also allows necessary data to be stored by using database management system API.

Thus, it is a feature of the claimed invention that the user interface means plays a role as a display means displaying data to the user, and that the processed EPG information and searched information can be processed in a better form for display by the UI API, before displayed to user by the user interface means. Furthermore, the processed EPG information and searched information can be processed in a better form for storing by database management system API before stored in the storage means.

The Examiner rejected all the claims, including original claim 3, as obvious under 35 U.S.C. 103(a) in light of a combination of Schrader *et al.* and Freeman *et al.* or a combination of Schrader *et al.*, Freeman *et al.* and Koreeda *et al.* Reconsideration is respectfully requested. Nothing in Schrader *et al.*, Freeman *et al.* and Koreeda *et al.* whether considered alone or considered together would have suggested a device or method where the metadata processing means allows the processed EPG information and searched information to be displayed by using UI API and necessary data to be stored by using database management system API. Therefore, the cited references would not have made obvious amended claims 1 and 4-6.

Conclusion

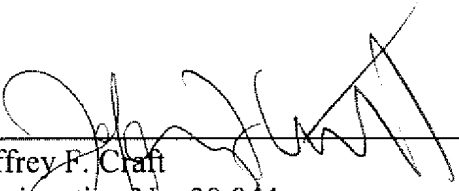
Applicant respectfully submits that in light of the foregoing amendments and remarks, claims 1 and 4-6 are in condition for allowance, so that a prompt and favorable action is earnestly solicited.

Respectfully submitted,

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